



## Member Organizations

Committee for Green Foothills

Northern California Council-  
Federation of Fly Fishers

Santa Clara Valley Audubon Society

February 28,, 2008

Members of the Regional Board

and

Mr. Bruce H. Wolfe  
Executive Officer

Regional Water Quality Control Board  
1515 Clay Street, Suite 1400  
Oakland, Ca 94612

Re: Municipal Regional Stormwater Permit

Dear Board Members and Mr. Wolfe,

The Creeks Coalition has reviewed the Tentative Order for the Municipal Regional Stormwater Permit. Reading it brought to mind the two year process that led to presenting the Erosive Forces workshop to the Board in July 2007.

I thought of the year and a half it took to develop the Erosive Forces Workshop that was held at the Santa Clara Valley Water District in January 2007. I thought of the six months it took to get a mini-version of that workshop to the Regional Board in July 2007. I thought of how well received the workshop at the Board was – the appreciation for the diversity of representation – the Homebuilders Association, the City of San Jose, the Watershed Management Initiative, the Creeks Coalition. I thought of the scientific consensus described there – that addressing the erosive forces in streams would require three things:

1. the reconfiguration of stream channels to have a stable shape
2. the moderation of flows from new development
3. the moderation of flows from existing development

The two main points of the workshop relevant to the subject permit were that on some streams all three would be needed and that on watersheds with a high percentage of development, addressing only the new development wouldn't help the stream much, if at all.

Then I looked at the subject permit and it was as if the Erosive Forces Workshop had never happened. There were no findings acknowledging the scientific consensus around what was needed to address stream erosive forces. There were no requirements for dealing with the cumulative impacts of large numbers of projects below the one acre of impervious surface regulatory threshold. There was no acknowledgement of the need for actions beyond the scope of the permit to address the erosive forces from existing development.

We are appealing to you to make the following changes in the Tentative Order:

1. Add a requirement to address the cumulative impacts of large numbers of projects with impervious surface increases below the one acre regulatory threshold, as follows:

For all new developments not otherwise regulated by Provision C.3, develop an estimate of the cumulative increase in impervious surface and develop projects that provide infiltration/detention so as to result in a zero net increase in the stormwater discharge hydrograph from the combined projects.

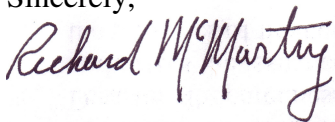
2. Add a finding that acknowledges the consensus conclusions of the Erosive Forces workshop, as follows:

*29. In many streams, reducing the erosive impacts of stormwater discharge will require utilizing three tools: (1) re-shaping the streams to a more hydro-geomorphically stable condition, (2) preventing increases in the rate and duration of erosive stormwater discharges from new development, and (3) reducing the rate and duration of erosive stormwater discharges from existing development. With respect to erosive forces in streams, this permit addresses only the impacts of new development and re-development projects. It therefore will not address the erosive impacts of stormwater discharges in many streams, especially those where there is already a high percentage of land has been developed. A comprehensive approach to stormwater discharges will require implementation of other planning and permit processes to complement the actions of this permit.*

We are also asking that you direct staff to develop a program to address the erosion occurring in our streams.

Such a program would be based on river science that is reflected in the developing Stream Protection amendment to the Basin Plan. Such a program might entail issuing a different type of stormwater permit, perhaps a general permit as used in the groundwater cleanup and construction site programs. Such a program would require all dischargers of stormwater to take action to reduce the erosive forces of their stormwater discharges.

Sincerely,

A handwritten signature in dark ink, reading "Richard McMurtry". The signature is fluid and cursive, with the first name "Richard" and last name "McMurtry" clearly legible.

Richard McMurtry  
For the Creeks Coalition